APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,407	01/22/2001	Ronald Martin Tanner	56932.000007	7309

29315	7590	04/07/2004		

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER
BASOM, BLAINE T

ART UNIT	PAPER NUMBER
2173	6

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 January 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 January 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Regarding claims 1 and 13, the Applicants submit that the application configurations described by Traversat (U.S. Patent No. 6,052,720) do not constitute images, like recited in the claimed invention. The Examiner agrees with the Applicants in that an application configuration, in and of itself, is not a device image. However, when organized in the data structure described by Traversat, the Examiner maintains that such application configurations compose a device image. Specifically, Traversat presents a tree-like data structure, referred to as a "machine namespace" (see column 8, lines 60-66). Under each manufacturer entry in the machine namespace, there are a number of entries, each referring to a particular computer model made by the manufacturer and existing on the network (see column 8, line 66 – column 9, line 4). Associated with each computer model are leaf nodes, which specify the application configurations of the applications stored on the computer model. Given the broadest, most reasonable interpretation of a device image, the Examiner maintains that each of these computer model entries, and their associated leaf nodes, constitutes a device image, because they maintain information relating to the overall configuration state of the network device, specifically the configuration state of the applications on the device. The Applicants' arguments have thus been fully considered, but are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.

6,052,720, which is attributed to Traversat et al. (and hereafter referred to as "Traversat"). In

general, Traversat discloses a method for configuring a plurality of client computers from a

single, remote server computer (see column 2, lines 49-55). Such a method allows a system

administrator to efficiently propagate application changes, upgrades, and new applications to the

plurality of client computers (see column 6, lines 19-31). Regarding the claimed invention,

Traversat discloses that this server obtains and stores configuration information for each client

computer (see column 6, lines 9-15). This configuration information is considered an "image" of

the client computer, as it comprises information relating to the memory, storage, applications,

and other features representing the overall configuration state of the client computer (for

example, see column 8, line 60 – column 9, line 10). Traversat is therefore considered to teach a

method for imaging a device, particularly a client computer. Moreover, a server implementing

such a method is considered a system, like that of claim 13, which is for imaging a device.

In reference to claims 1 and 13, Traversat discloses that the server maintains a "server

schema," which is a tree-like data structure used to store the configuration information for each

client computer on a network (see column 8, lines 37-50, in addition to figure 3). This schema is

considered a "directory," like that of the present application, as it is used to access the

configuration information of the client computers. Moreover, Traversat discloses that this

schema includes a "platform" category (see column 8, lines 51-59). The platform category

particularly maintains the configuration information for each type of client computer on the

network (see column 8, line 55 – column 9, line 10). This configuration information for a client

computer is considered an image for that client computer, as is described in the previous

paragraph. Traversat thus teaches creating an image of the client computer, and placing a

representation of the image into a directory. In addition, Traversat teaches a plurality of means

to customize this image to form a customized image, which is then placed on the client

computer. In particular, the configuration information for the particular client computer may be

overridden or augmented by configuration information maintained by a "profile category," a

"users category," and a "group category," of the server schema, whereby these categories

respectively store configuration information for particular uses of the client computer, particular

users of the computer, and particular groups of users of the computer (see column 9, lines 11-67,

in addition to column 10, line 29 – column 11, line 67). Lastly, Traversat discloses that the

configuration data sent to the client computer is produced according to a set of rules, the set of

rules comprising an order by which the above-described categories override each other in terms

of configuration data (see column 4, lines 20-47). This set of rules is considered an "imaging

server policy," as it comprises rules for enabling the server to provide the images to each of the

client computers. Thus in summary, Traversat teaches: creating an imaging server policy

wherein the imaging server policy comprises rules that are applied to the devices that receive an

image; creating an image of the client computer; placing a representation of the image of the

client computer into a directory, in particular, into the platform category of a server schema; customizing the image to form a customized image; and placing the customized image of the client computer onto the client computer.

In reference to claims 2-6 and 14-18, the platform category in the server schema of Traversat maintains the configuration information, i.e. image, for each type of client computer on the network, as is described in the previous paragraph. In this platform category, there are a number of entries, each referring to a particular computer model made by the manufacturer and existing on the network (see column 8, line 60 – column 9, line 4). Associated with each computer model are leaf nodes, which specify the application configurations of the applications stored on the computer model (see column 9, lines 2-10). Each entry, and its associated leaf nodes, thus maintains a device image, and is therefore considered a device object, which represents the device in the server schema. Furthermore, and specifically regarding claims 3 and 15, the above-described imaging server policy of Traversat comprises an order by which the configuration data stored in a category of the server schema overrides the configuration data presented by the other server schema categories, as is described in the previous paragraph. Thus this set of rules is associated with the platform category of the server schema, and also, each device object, maintained by in the platform category. Specifically regarding claims 4 and 16, each entry in the platform category, and its associated leaf nodes, maintains a device image, and is therefore considered a device object, as is described above. Thus, at least one image is associated with each entry in the platform category. As per claims 5 and 17, the image of the device, as maintained in the above-described platform category, may be associated with an additional device object, specifically a profile, which is maintained in the profile category, by

means of a unique ID given to the client computer (see column 10, line 57 – column 11, line 11).
The image of the client computer, as maintained by the platform category, is considered a base
image of the client computer. Thus with respect to claims 6 and 18, when customizing the
image, which as described above is done in order to send configuration information to the client
computer, a base image of the computer is stored in the directory, i.e. server schema, wherein at
least one additional image, such as that maintained in the profile category, is associated with the
base image.

In regard to claims 7 and 19, customizing the image of each client computer comprises
overriding or adding to the configuration information of the platform category by configuration
information maintained by the profile category, users category, and group category of the server
schema, as is described above. This configuration information maintained in each server schema
category is understood to be maintained in a file set, as the categories enable the server to
distinguish one unit of configuration information from another. Therefore, customizing the
image comprises the step of defining one or more file sets wherein the file sets are inserted into
the image.

With respect to claims 8 and 20, the images maintained by the above-described profile
category, users category, and group category of the server schema each comprise application
configuration information regarding particular users or groups of users for the client computer
(see column 9, lines 27-67). The profile category, users category, and group category therefore
comprise application images associated with one or more user characteristics. As is described
above, customizing the image of each client computer comprises overriding or adding to the
configuration information of the platform category by configuration information maintained by

this profile category, users category, and group category of the server schema. Consequently, customizing the image comprises the step of inserting one or more application images associated with one or more user characteristics into the image.

Referring to claims 9 and 21, a client computer is a microcomputer or terminal connected to a network, as is known in the art. A client computer may thus be a workstation. Consequently, the above-described method of Traversat, which is for configuring a plurality of such client computers, is applicable to workstations as well.

Concerning claims 10-11 and 22-23, Traversat teaches creating a device object, which is maintained as a profile in the profile category of the server schema, as is described above in the rejection for claims 2-6. Customizing the image of each client computer comprises overriding or adding to the configuration information of the platform category by this profile maintained by the profile category, in addition to configuration information maintained by the users and group categories of the server schema, as is described above. In other words, customizing the image of the device comprises directly associating the image of the device with a profile, i.e. device object. In particular, this customization is done according to the above-described imaging server policy of Traversat, which comprises an order by which the configuration data stored in a category of the server schema overrides the configuration data presented by the other server schema categories, as is described above. It is therefore understood that this step of associating the image of the client computer to a profile in the directory comprises establishing a relationship with such a policy in the directory. Furthermore, and specifically regarding claims 11 and 23, it is understood that each profile in the profile category of the server schema is used at least one, or in other words, is associated with at least one image in the platform category. Since the profile

represents the use of such a client computer, such as the department within a company for which

the client computer is used (see column 9, lines 27-41), it is understood that a single profile may

also be associated with more than one client computer; for example, more than one client

computer may be used in a particular department. It is thus understood that when directly

associating an image with a profile, i.e. device object, at least one specified image is applied to

the client computer regardless of rules specified in the imaging server policy.

As per claims 12 and 24, Traversat discloses one or more rules, which are based on the

hardware characteristics of the client computer, and wherein an image associated with a

matching rule is applied to the client computer. In particular, a rule exists whereby an image is

applied to the client computer if the hardware of the client computer matches that represented in

the platform category of the server schema (for example, see column 10, lines 57-67).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

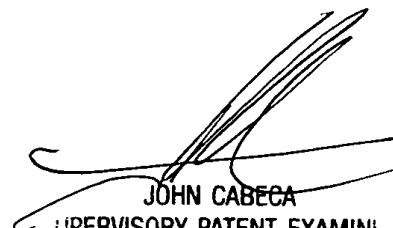will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb

JOHN CABECA
SUPERVISORY PATENT EXAMIN
TECHNOLOGY CENTER 2100